



are the decedent's daughters, and both of whom are above the age of 18 years (the "Statutory Beneficiaries"). The decedent was not married at the time of her death.

4. The statutory beneficiaries have executed a written Agreement Regarding Distribution of Settlement Proceeds (the "Agreement"), attached hereto as Exhibit B. In the Agreement, the Statutory Beneficiaries agree to the payment of specified attorney fees and expenses associated with the underlying case, and they further agree to the payment of any liens, followed by the distribution of the net proceeds in equal portions of one-half each. In the Agreement, the Statutory Beneficiaries also waive notice and participation in any approval hearing by the Court.

5. A special needs trust has been drafted for the benefit of Statutory Beneficiary Abigail Nichole Depoy. The Petitioner requests Court approval and confirmation of the trust instrument, a copy of which is attached to this Petition as Exhibit C. Abigail Nichole Depoy confirms her consent to the transfer of that portion of the settlement proceeds designated for her benefit directly into the Abigail Nichole Depoy Special Needs Trust.

6. The only known liens associated with the settlement proceeds are the following:

a. Virginia Department of Medical Assistance Services (Medicaid):

\$96,794.80

b. Carilion Clinic:

\$30,000.00

B. This Court has already approved the Settlement Agreement, subject to a final distribution order.

7. On July 9, 2015, this Court approved the underlying Settlement Agreement, subject only to entry of a final distribution order approving the distributions to be made from the settlement proceeds. The proposed order attached hereto as Exhibit A accomplishes this.

8. The Petitioner and the Statutory Beneficiaries request entry of the proposed order. The Petitioner asks that this petition be set for hearing on June 1, 2017 at 2:00, and that the Petitioner and Statutory Beneficiaries be allowed to appear by telephone rather than be required to travel from Virginia to appear in person.

Date: May 30, 2017

Respectfully Submitted

/s/Patrick T. Fennell  
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Counsel for Sharon W. Bishop, Executor  
of the Estate of Kathy W. Sinclair, deceased.

**CERTIFICATE OF SERVICE**

I hereby certify that on May 30, 2017, I electronically filed the foregoing with the Clerk of the Court using the Court's CM/ECF system, which then sent a notification of electronic filing (NEF) to counsel of record.

/s/Patrick T. Fennell